

## **EXHIBIT H**

## UNINSURED MOTORIST PROPERTY DAMAGE COVERAGE REQUIRED BY STATUTE

<u>State</u>	<u>UMPD Statute</u>	<u>Is There An Explicit Or Recognized Duty To Investigate or Pay Diminished Value?</u>	<u>When Is A Claim Properly Classified As UMPD?</u>	<u>What Can Be Recovered For UMPD Claim?</u>	<u>Is Arbitration Required?</u>	<u>Is Loss of Use Covered?</u>
Washington	WASH. REV. CODE § 48.22.030	No.	No guidance.	Property damage recovery limited to "physical damage to the insured motor vehicle unless the policy specifically provides coverage for the contents thereof or other forms of property damage."	No.	No. Coverage provided for physical damage to the insured motor vehicle unless the policy specifically provides coverage for the contents thereof or other forms of property damage."
Alaska	ALASKA STAT. § 28.20.445	No.	"If both the owner and the operator of the uninsured motor vehicle are unknown, payment under uninsured motorists coverage shall be made only where direct physical contact between the insured an uninsured or underinsured motor vehicles has occurred."	"Coverage shall be limited to damage or destruction of the motor vehicle."	No.	No. "Coverage shall be limited to damage to or destruction of the insured motor vehicle. It may not include loss of use of the vehicle."
Arkansas	ARK. CODE ANN. § 23-89-404	No.	No guidance.	"[D]amage to the insured vehicle, plus a reasonable allowance for loss of use of the vehicle."	No.	Yes. Property damage defined as "damage to the insured vehicle, plus a reasonable allowance for loss of use of the vehicle."

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California	CAL. INS. CODE § 11580.26(A)(2)	No.	Where an insured vehicle is covered by both UMPD coverage and collision coverage, "the collision coverage shall pay for the covered loss," and the UMPD coverage shall only pay any deductible not covered by the collision coverage.	"Payment for loss or damage to the insured motor vehicle resulting from collision, not to exceed its actual cash value or three thousand five hundred dollars (\$3,500), whichever is less"	Yes, in the event of disagreement between the insured and insurer. Insurer is required to make payment where "it is also determined by the insured and insurer, or in the event of disagreement, by arbitration conducted by a single neutral arbitrator, when the insured has formally instituted arbitration proceedings within one year from the date of the accident, that the insured is legally entitled to recover the amount of the payments for property damage from the owner or operator of the uninsured motor vehicle."	No. "Property damage does not include compensation for loss of use of the motor vehicle."
Colorado	COLO. REV. STAT. § 10-4- 610	No.	"The coverage provided under this section shall not provide protection for... Damages which are paid or payable under any other property insurance." "The coverage provided under this section shall cover the actual cash value of the vehicle or the cost of repair or replacement, whichever is less."	No.	No. "The coverage provided under this section shall not provide protection for... Loss of use of a motor vehicle."	

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Georgia	O.C.G.A. § 33-7-11	Yes, <i>State Farm Mut. Auto. Ins. Co. v. Mabry</i> , 256 S.E.2d 114 (Ga. 2001).	"Where the owner or operator of any motor vehicle which causes bodily injury or property damage to the insured is unknown, actual physical contact shall have occurred between the motor vehicle owned or operated by the unknown person and the person or property of the insured. Such physical contact shall not be required if the description by the claimant of how the occurrence occurred is corroborated by an eyewitness to the occurrence other than the claimant."	"[Injury to or destruction of property of an insured."	No.	Not specified.
Idaho	IDAHO CODE ANN. §§ 41-2502;49-1212.	No.	Uninsured motorist statute does not address coverage for property damage.	"[T]he actual cash value of the motor vehicle described in the policy or \$15,000 whichever is less."	Yes. "Any dispute with respect to coverage and the amount of damages shall be submitted for arbitration to the American Arbitration Association"	Permissible to exclude. An insurer may provide that "if there shall be no coverage for loss of use of the insured motor vehicle and no coverage for loss or damage to personal property located in the insured motor vehicle."
Illinois	215 ILL. COMP. STAT. § 5/143a(2)	"There shall be no liability imposed under the uninsured motorist property damage coverage required by this section if the owner or operator of the at-fault uninsured motor vehicle or hit-and-run motor vehicle cannot be identified."				

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Indiana	IND. CODE ANN. § 27-7-5-3	No.	"There shall be no liability imposed upon an insurer where the owner or operator of the other vehicle cannot be identified."	"[U]limited to damages to the insured motor vehicle and the personal property owned by the insured contained in the insured motor vehicle"	No.	No. Recovery under UMPD coverage "shall not include the loss of use of damage or destroyed property."
Louisiana	L.A. REV. STAT. ANN. § 22:1295	No.	"The coverage provided under this Section shall not provide protection for... Damages which are paid or payable under any other property insurance."	"[T]he amount of the actual cash value of such motor vehicle or ten thousand dollars, whichever is less."	Permissible. "The coverage required under this Section may include provisions for the submission of claims by the assured to arbitration"	No. "The coverage provided under this Section shall not provide protection for... Loss of use of a motor vehicle."
Maryland	MD CODE ANN. INS. § 19-509	No.	Uninsured motorist statute does not address coverage for property damage.	"[A]ll sums which the insured is legally entitled to recover for property damage caused by uninsured motor vehicle."	No.	Not specified.
Mississippi	MS. CODE ANN. § 83-11-101(2)	No.	No guidance.			

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Montana	MONT. CODE ANN. § 33-23-201	No.	Uninsured motorist statute does not address coverage for property damage.	No.	Not specified.	
New Hampshire	NH REV. STAT. § 264:15	No.	No guidance.	"[I]njury to or destruction of property,"	No.	Not specified.
New Mexico	NM STAT. § 66-5-301	No.	No guidance.	"[I]njury to or destruction of the property of such insured,"	No.	Not specified.
North Carolina	N.C. GEN. STAT. § 20-279.21(b)(3)	No.	Uninsured motorist statute does not address coverage for property damage			
North Dakota	N.D. CENT. CODE § 261-40-15.2	No.	"If an insured has a policy containing collision coverage covering damages caused by an uninsured motor vehicle, the insured's insurer need not make coverage available under this section."	Losses limited to "recovery for that destruction of or damage to the motor vehicle specifically identified in the policy directly caused by an uninsured motor vehicle whose owner or operator has been identified."	No.	Not specified.
Ohio	OHIO REV. CODE ANN. § 3937.181	No.	No guidance.	"[T]he amount of damages the insured may be legally entitled to recover."	No.	No. Coverage for property damage: "Does not include loss of use of the covered vehicle."
Oregon	OR REV. STAT. § 742.510	No.	No guidance.	Insurer must provide coverage for no less than ten thousand dollars "for injury to or destruction of the property of the insured in any one accident."	No.	Not specified.
South Carolina	S.C. CODE ANN. § 38-77-140	No.	No guidance			

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South Dakota	S.D. CODE § 58-11-9	No.	Uninsured motorist statute does not address coverage for property damage.	If the uninsured motorist cannot be identified, the insured shall not recover under the UMPD section unless: There is actual physical contact between the vehicles; and the existence of the unknown motorist is established by clear and convincing evidence, other than evidence provided by occupants in the insured vehicles.	"[D]amage to either the insured vehicle or property owned by an insured while in the insured vehicle."	No.	Not specified.
Tennessee	TENN. CODE ANN. § 56-7-1201	No.	No guidance.	Property damages caused by uninsured vehicles.	No.	Not specified.	
Texas	TEX. INS. CODE § 1952.101	No.	UMPD only payable where: the damage is caused by actual physical contact with the uninsured motor vehicle; the uninsured motor vehicle; the owner, operator, or license plate number of uninsured vehicle has been identified; and the accident has been reported to the insurer within ten days of the accident.	UMPD coverage shall not exceed the motor vehicle's actual cash value or \$3,500, whichever is less.	No.	No. "Property damage does not include compensation for loss of use."	
Utah	UTAH CODE ANN. § 31A-22-305.5	No	If there is no contact with the uninsured motor vehicle, the accident must be reported promptly to law enforcement or insurer.	At least \$20,000 worth of coverage for "damage or destruction of the property of the insured" caused by an uninsured motor vehicle.	No.	Not specified.	
Virginia	VA. CODE ANN. § 38.2-2206						

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Vermont	V.T. STAT. ANN. TIT. 23, § 941	No.	No guidance.	"Property damage resulting from the ownership, maintenance or use of uninsured, underinsured, or hit-and-run motor vehicle."	No.	Not specified.
West Virginia	W. VA. CODE § 33-6-31	No.	If uninsured motorist is unknown, to recover under UMPD coverage, the insured shall: report the accident within twenty-four hours of discovering the damage, or when physically able, to the proper authorities; Notify the insurer within 60 days of such accident, and upon written request of the insurer, and make available damaged vehicle at the request of the insurer if made within five days after receipt of the insured's notification; and establish at trial that the motor vehicle causing the injury was a hit-and-run vehicle.	"[A]ll sums which [the insured] shall be legally entitled to recover as damages from the owner or operator of an uninsured motor vehicle," up to fifty thousand dollars because of injury to or destruction of property.	No.	Not specified.
Wyoming	WYO. STAT. ANN. § 31-10-101	No.	Uninsured motorist statute does not address coverage for property damage.			